

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

For Official Use

IN THE INTEREST OF

**Order for Temporary
Physical Custody**

- ☐ Secure
☐ Nonsecure

Name

Indian Child Welfare Act

Case No. _____

Date of Birth

A request for temporary physical custody was filed with the court.

A hearing for temporary physical custody was held on (Date) _____, which is the effective date of this order.

THE COURT FINDS:

The child/juvenile is in the jurisdiction of this court:

☐ JIPS (under §938.13 (4), (6), (6m), or (7))(statutes): _____ or

☐ CHIPS (statutes): _____, and probable cause exists to believe that the

- ☐ 1. Child/juvenile will commit injury to person or property of others.
- ☐ 2. Child/juvenile will ☐ cause injury to self. ☐ be subject to injury by others.
- ☐ 3. Parent, guardian, legal custodian or other responsible adult is
☐ neglecting ☐ refusing ☐ unable ☐ unavailable to provide adequate supervision and care.
- ☐ 4. Child/juvenile will run away or be taken away, making the child/juvenile unavailable for further court proceedings.
5. The child/juvenile is subject to the Indian Child Welfare Act.
- ☐ 6. Parent has relinquished custody of the child/juvenile.

For secure custody, the court further finds that probable cause exists to believe that:

- ☐ 1. A protective order was issued and the child/juvenile consents in writing to the custody.
- ☐ 2. The child/juvenile has run away or committed a delinquent act while in nonsecure custody.

For secure custody in a jail, the court further finds that:

- ☐ 1. No other juvenile detention facility approved by DOC or the county is available.
- ☐ 2. The child/juvenile presents a substantial risk of physical harm to others in the juvenile detention facility.

For all custody outside of the home, the court further finds that:

1. Continued custody of the child/juvenile by the parent or Indian custodian ☐ is ☐ is not likely to result in serious emotional or physical damage to the child/juvenile, based on the testimony of one or more qualified expert witnesses. (This finding is optional at this hearing.) ☐ Specify: _____
2. Active efforts were (This finding is optional at this hearing.)
☐ made to provide remedial services and rehabilitation programs designed to prevent the breakup of the Indian family and those efforts have proved unsuccessful. ☐ Specify: _____
☐ not made to provide remedial services and rehabilitation programs designed to prevent the breakup of the Indian family.

3. Continuation of residence in the home at this time ☐ is ☐ is not contrary to the child's/juvenile's welfare.

4. Reasonable efforts to prevent removal and return child/juvenile safely home were *(Complete one of the following.)*

☐ made by the department or agency responsible for providing services.

☐ made by the department or agency responsible for providing services, although an emergency situation resulted in immediate removal of the child/juvenile from the home.

☐ not required under §§48.355(2d) and 938.355(2d). _____

☐ required, but good cause has been shown why sufficient information is not available to enable the court to make the necessary findings. This hearing is continued until (Date – Not to exceed 5 days): _____.

☐ required, but the department or agency responsible for providing services failed to make reasonable efforts.

5. Reasonable efforts to place the child/juvenile in a placement that enables the sibling group to remain together were

☐ made.

☐ not required because the child/juvenile does not have siblings in out-of-home care.

☐ not required because it would be contrary to the safety or well being of the child/juvenile or any of the siblings.

6. As to the department or agency recommendation:

☐ a. The placement location recommended by the department or agency is adopted.

OR

☐ b. After giving bona fide consideration to the recommendations of the department or agency and all parties, the placement location recommended is not adopted.

☐ 7. The ☐ mother ☐ father was present and was asked to provide the names and other identifying information of three adult relatives of the child/juvenile or other adult individuals whose home the parent requests the court to consider as placements for the child/juvenile.

THE COURT ORDERS:

1. The child/juvenile is held in custody:

Out-of-home at _____

and into the placement and care responsibility of the

☐ _____ county department, which has primary responsibility for providing services.

☐ Department of Children and Families, which has primary responsibility for providing services.

☐ Bureau of Milwaukee Child Welfare, which has primary responsibility for providing services.

☐ 2. The child/juvenile has siblings in out-of-home care and the child/juvenile is not placed with those siblings.

☐ The department or agency shall make reasonable efforts to provide frequent visitation or other ongoing interaction between the child/juvenile and any siblings.

☐ The department or agency is not required to provide for frequent visitation or other ongoing interaction because it would be contrary to the safety or well being of the child/juvenile or any siblings.

3. The department or agency shall conduct a diligent search in order to locate and provide notice as required by §48.21(5)(e)2. or §938.21(5)(e)2. to all adult relatives of the child/juvenile, including the three adult relatives provided by the parents under §48.21(3)(f) or §938.21(3)(f), no later than 30 days from the date of the child's/juvenile's removal from the home, unless the search was previously conducted and notice provided.

☐ 4. While in a nonsecure placement above, the child/juvenile shall also be monitored by an electronic monitoring system.

☐ 5. Other conditions of custody: _____

☐ 6. The parent(s)/guardian shall contribute toward the expenses of custody/services in the amount of
☐ \$ _____.
☐ to be determined by (Agency) _____.

7. Transportation to the placement and any return to court shall be provided by _____

8. The next hearing date is _____ at _____ ☐ a.m. ☐ p.m.

☐ 9. The petition for temporary physical custody is denied.

10. Other: _____

Name and Address of Placement:

BY THE COURT:

DISTRIBUTION:

1. Original - Court
2. Placement Facility
3. Child/Juvenile/Parents/Indian Custodian/Attorneys
4. Social Worker/Intake Worker
5. Tribe

 Circuit Court Judge/Circuit Court Commissioner

 Name Printed or Typed

 Date